



GREENWOOD COMMON COUNCIL JANUARY 3, 2005 MINUTES

President Jessie Reed called the meeting to order at 7:00 p.m.

The audience recited the Pledge of Allegiance in unison, after which the Rev. Doug Caister of the Sanctuary Community Church offered the invocation.

PRESENT:	Council members Bruce Armstrong, Ron Bates, Bill Bless, Ron Deer, John Gibson, Keith Hardin, Jessie Reed; Clerk-Treasurer Jeannine Myers and City Attorney Shawna Koons-Davis. Mayor Charles Henderson was not present.
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At this time Mr. Hardin nominated Bruce Armstrong as Council President, with second by Mr. Bates. Nominations were closed. Vote: Ayes (Armstrong – Abstain). With that, Ms. Reed turned the gavel over to Mr. Armstrong.

Mr. Hardin then nominated Ron Bates as Council representative to the Plan Commission. Second by Ms. Reed. Nominations were closed. Vote: Ayes (Bates – Abstain).

Mr. Deer reported he had talked with Lee Money, who had spoken with Garnet Vaughan, of the Redevelopment Commission and nominated these two experienced members of the Commission for another term. Second by Mr. Gibson. Nominations were closed. Vote: Ayes.

At this time, Mr. Hardin mentioned that the Website needs to be updated, along with board and commission listings and phone numbers.

After some discussion about further Council appointments that might be necessary, Ms. Reed nominated Mr. Gibson for the Solid Waste Management Board. Second by Mr. Bless. Vote: Ayes (Gibson – Abstain).

Mr. Bates moved to approve the minutes of December 20th, with second by Mr. Hardin. Vote: Ayes (Bless – Abstain).

Ms. Koons-Davis had distributed her litigation report. She noted that all cases were either waiting for a hearing date or a decision.

Mr. Hardin reported that the ad hoc committee will meet Wednesday at 6:00 p.m. in the Council chambers.

Mr. Deer indicated that there was a tentative tax abatement committee meeting scheduled for January 11th at 6:00 p.m. in the first floor conference room.

For the Solid Waste Committee Mr. Gibson reported there was a schedule for Christmas trees to be recycled. New space has been leased.

ORDINANCE No. 04-55 – An Ordinance to Amend the Texts of Greenwood Ordinance No. 02-07, Stormwater Drainage and Sediment Control, and Greenwood Ordinance No. 02-10, Definitions; and to Amend the Text of the Greenwood Municipal Code (1993), As Amended, Chapter 10, Articles 21 and 22; to correct typographical errors and omissions and to add Indiana Municipal Separate Storm Water Runoff Regulations. Ms. Koons-Davis explained that first reading needs to be postponed until January 17, 2005 as it requires a recommendation from the Plan Commission and the Commission has not yet had its hearing. It has been advertised for January 10th. Mr. Bates moved to postpone first reading until the January 17th meeting. Second by Ms. Reed. Vote: Ayes. **FIRST READING POSTPONED UNTIL JANUARY 17, 2005 MEETING.**

ORDINANCE No. 04-56 – An Ordinance to Amend the Official Zoning Map Adopted by Reference In Zoning Ordinance No. 82-1 Entitled “An Ordinance Establishing Comprehensive Zoning Regulations For the City of Greenwood, Indiana, and Providing For the Administration, Enforcement, and Amendment Thereof, In Accordance With the Provisions of I.C. 36-7-4-600 et seq. Laws of Indiana As Amended, and For the Repeal of All Ordinances In Conflict Herewith” (Proposed Rezoning of approximately 23.44 acres located approximately ¼ mile east of Honey Creek Road on the north side of Cutsinger Road and east of Alden Place Subdivision, commonly known as the Bright Property). Ms. Reed moved to pass Ordinance No. 04-56 through first reading. Second by Mr. Hardin. Attorney Bob Wildman gave a brief refresher on the project. The product will be similar to Alden Place. Vote: Ayes. **PASSED FIRST READING.**

ORDINANCE No. 04-57 – An Ordinance to Amend the Official Zoning Map Adopted by Reference in Zoning Ordinance No. 82-1 Entitled “An Ordinance Establishing Comprehensive Zoning Regulations For the City of Greenwood, Indiana, and Providing For the Administration, Enforcement, and Amendment Thereof, In Accordance With the Provisions of I.C. 36-7-4-600 et seq. Laws of Indiana, As Amended, and For the Repeal of All Ordinances in Conflict Herewith” (Proposed Rezoning of approximately 17.0 acres located approximately ¼ mile east of Honey Creek Road on the north side of Cutsinger Road and east of Alden Place Subdivision, commonly known as the Bright Property). This was approved by the Plan Commission 10-0. Mr. Bless moved to pass Ordinance No. 04-57 on first reading. Second by Mr. Hardin. This will be an upscale empty-nester project. Vote: Ayes. **PASSED FIRST READING.**

ORDINANCE No. 04-58 – An Ordinance Annexing Certain Territory Within the Area of Extended Jurisdiction of the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, Approximately 85.4 Acres Located Approximately ¼ Mile East of Honey Creek Road on the North Side of Cutsinger Road and East of Alden Place Subdivision (commonly known as the Bright Property). **POSTPONED UNTIL FEBRUARY 21, 2005 MEETING FOR FIRST READING AND PUBLIC HEARING.**

RESOLUTION No. 04-32 – A Resolution of the Greenwood Common Council to Adopt the Written Fiscal Plan For the Annexation of Approximately 85.4 Acres Located Approximately ¼ Mile East of Honey Creek Road on the North Side of Cutsinger Road and East of Alden Place Subdivision (1050 Cutsinger Road), Referencing Annexation Ordinance No. 04-58. Mr. Hardin moved to pass Resolution No. 04-32 through first reading. Second was by Mr. Bates. Vote: Ayes. **PASSED FIRST READING.**

ORDINANCE No. 04-59 – An Ordinance Annexing Certain Territory Within the Area of Extended Jurisdiction of the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, Approximately 22.43 Acres Located on the East Side of Honey Creek Road Immediately South of Alden Place Subdivision (commonly known as the Bright Property). Mr. Bates moved to pass Ordinance No. 04-59 on first reading. Second by Mr. Gibson. Vote: Ayes. Mr. Armstrong indicated that this received a 10 – 0 favorable recommendation from the Plan Commission. Vote: Ayes. **PASSED FIRST READING.**

RESOLUTION No. 04-33 – A Resolution of the Greenwood Common Council to Adopt the Written Fiscal Plan For the Annexation of Approximately 22.43 Acres Located on the East Side of Honey Creek Road Immediately South of Alden Place Subdivision (1611 S. Honey Creek Road), Referencing Annexation Ordinance No. 04-59. Mr. Hardin moved to pass Resolution No. 04-33 through first reading. Second by Mr. Bates. Vote: Ayes. **PASSED FIRST READING.**

ORDINANCE No. 04-60 – An Ordinance Annexing Certain Territory Contiguous to the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, Approximately 9.328 Acres Located on the South Side of Smith Valley Road and West of the Existing Home Depot Store, and Commonly Known as the Jerry Taylor and Shepherd’s Grove Development, Inc. Property. **POSTPONED UNTIL FEBRUARY 21, 2005 MEETING FOR FIRST READING AND PUBLIC HEARING.**

RESOLUTION No. 04-34 – A Resolution of the Greenwood Common Council to Adopt the Written Fiscal Plan for the Annexation of Approximately 9.328 Acres Located on the South Side of Smith Valley Road and West of Existing Home Depot, Referencing Annexation Ordinance No. 04-60. Mr. Bates moved to pass Resolution No. 04-34 on first reading. Second by Mr. Deer. Mr. Armstrong reported that the

annexation received a unanimous 10 – 0 unfavorable recommendation. Mr. Gibson recused himself from the vote. Vote: Ayes. **PASSED FIRST READING.**

ORDINANCE No. 04-61 – An Ordinance to Amend the Text of Greenwood Ordinance No. 03-22, “An Ordinance to Establish an Equitable Impact Fee for the Purpose of Planning and Financing Park and Recreational Infrastructure to Serve New Development in the City of Greenwood”, To Insert Typographical Omissions and To Amend Greenwood Municipal Code (1993), As Amended, Chapter 2, Article 9, to Add a New Section 2-104, The Special Non-Reverting Fund Entitled the “Park and Recreation Infrastructure Improvement Fund”. Mr. Bates moved to pass Ordinance No. 04-61 on first reading. Second by Ms. Reed. Vote: Ayes. **PASSED FIRST READING.**

ORDINANCE No. 04-62 – An Ordinance to Establish Special Non-Reverting Funds to Administer Monies Received by the Police Department From Forfeitures and Seizures, Laboratory Fees, and Unrestricted Donations to the Police Department. Mr. Bless moved to pass Ordinance No. 04-62 through first reading. Second by Mr. Gibson. In response to Ms. Reed, the City Attorney discussed monies received from forfeitures and seizures. After discussion, Ms. Reed moved to amend the second WHEREAS clause by placing the words “Police Department” between the words “any” and “purpose”. Second by Mr. Hardin. Vote: Ayes. **AMENDED.** Vote: Ayes. **PASSED FIRST READING AS AMENDED.**

ORDINANCE No. 04-63 – An Ordinance Providing For an Additional Appropriation of United States Department of Homeland Security Assistance to Firefighters Grant Fund (\$59,750) and of Fire Funds (\$8,250) to the Greenwood Fire Department. Mr. Hardin moved to pass Ordinance No. 04-63 on first reading. Second by Ms. Reed. Chief Dhondt explained that he was not able to get all the vendor quotes in so that money could be expended in 2004. This is a reappropriation of a Federal grant, he noted, and the matching funds that were in the budget for 2004. President Armstrong opened the public hearing. Chief Dhondt asked for a suspension of the rules. He clarified that the first phase of the grant was to upgrade all the self-contained breathing apparatus equipment (\$46,000 of Federal money and about \$6,000 in matching funds) and the second phase was to update and install vehicle ignition exhaust systems at all three fire stations. The update would remove carcinogens and toxic ignitions from the trucks. A semi-annual report, among others, to the Federal government, is required. As no one else spoke the public hearing was closed. Vote: Ayes. **PASSED FIRST READING.** Mr. Gibson moved to suspend the rules in order to consider second reading. Second by Ms. Reed. Vote: Ayes. **RULES SUSPENDED.** Mr. Gibson then moved to pass Ordinance No. 04-63 through second reading. Second by Mr. Bates. Vote: Ayes. **ORDINANCE No. 04-63 PASSED SECOND READING.**

ORDINANCE No. 04-49 – An Ordinance Annexing Certain Territory Within the Area of Extended Jurisdiction of the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, approximately 82.27 acres located on the east side of Honey Creek Road; ¼ mile south of Cutsinger Road and ¼ mile north of Stones Crossing Road (commonly known as the Bertha E. Bertsch Revocable Trust Property). **POSTPONED UNTIL FEBRUARY 7, 2005 MEETING.**

ORDINANCE No. 04-51 – An Ordinance Annexing Certain Territory Within the Area of Extended Jurisdiction of the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, Approximately 82.3 Acres Located Approximately ¼ Mile South of Worthsville Road and West of Graham Road (commonly known as the Republic Development, LLC Property). **POSTPONED UNTIL FEBRUARY 7, 2005 MEETING.**

ORDINANCE No. 04-54 – An Ordinance Vacating a Platted Drainage and Utility Easement on Lot 1 and Remaining Tract in Green Acre Subdivision. Mr. Hardin moved to pass Ordinance No. 04-54 through second reading. Second by Mr. Deer. Vote: Ayes. **PASSED SECOND READING.**

ORDINANCE No. 04-53 – An Ordinance Permitting the Payment of Claims Prior to Board Allowance For Certain Kinds of City Expenses. Mr. Bates moved to pass Ordinance No. 04-53 on second reading. Second by Mr. Hardin. Vote: Ayes. **PASSED SECOND READING.**

Under miscellaneous business, Mr. Bates reported he has had a request from residents in Timbers Edge along Fry Road to have the speed limit at 15 m.p.h. A traffic study would be needed to do this, with the Engineering Department working with the Police Department. Mr. Bates asked for an update on proposed street improvements for 2005.

Mr. Hardin complimented the work of the Street Department during the last snow. He then brought a request from citizens regarding the timing of traffic lights at U.S. 31 and Fry Road. This is a State light. A police officer has requested that the entrance to Kohl's heading east on Fry Road be closed, he reported. Counsel noted that this would have to be brought before the Board of Public Works and Safety and discussed with mall officials, since it is private property. Planning Director Ferguson said that a median that keeps the curb cut open is being considered, making turns right only for west-bound traffic. East-bound traffic would be forced to use the entrance to the mall that was suggested. Mr. Hardin would like to see the matter pursued.

Ms. Reed cited I.C. 36-4-5-3 regarding a statement of finances and general condition of the City which shall be provided by the executive to the legislative body once a year. Ms. Koons-Davis will follow up. Mr. Deer mentioned that the Mayor usually covers this information in his State of the City address.

Mr. Deer reported two huge potholes on Apryl Drive. Rick McQueary will follow up. Mr. Deer then echoed Mr. Hardin's praise for the Street Department as did Mr. Gibson.

From the audience, Deb O'Reiley asked about the environmental study for the aquatic park. The report will probably be ready Friday.

Linda Gibson suggested that it would be appropriate for the Council to send a letter to the Street Department commending their work and to those who put up the wreaths downtown (Barry Inabnitt and the Parks Department personnel).

In response to Mr. Deer, Chief Dhondt said there will be a brick patio in the old Wake-Up parking lot, using bricks from Madison Avenue taken out during the reconstruction project, and will have a cedar bench and covering. The Metro bus stop will be moved to that location as well. This is the last part of the Rotary Club project to landscape and make that parking lot into a park-like atmosphere, he added. It is a part of the Rotary centennial observance.

At this point Mr. Deer moved to authorize the Council President to sign the commendations to the Street Department and the Maintenance Foreman and other personnel. Mr. Bates seconded. The Council approved this by acclamation. Mr. Hardin suggested that the Council again provide a lunch for the Street and Sanitation Departments for their work over the winter.

Mr. Armstrong and Mr. Deer mentioned that the Mayor was still feeling under the weather as he was at the previous meeting.

With no further business, the meeting adjourned at 8:05 p.m.